

LOCAL PLANNING AGENCY
JULY 23, 2003

1. ROLL CALL

The meeting was called to order at 9:17 p.m. Board members present were Chair Mike Bender, Vice-Chair Bob Waitkus, Casey Lee, Scott McLaughlin and Mimi Turin. Also present were Board Attorneys Andre Parke and Martin Kiar, Planning Supervisor Deborah Ross, and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: June 11, 2003
June 25, 2003

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve the minutes of June 11, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Ms. Lee made a motion, seconded by Ms. Turin, to approve the minutes of June 25, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARING

3.1 ZB (TXT) 6-1-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained that the text amendment proposed by staff was to increase the allowable amount of billboards to 13 and keep the height limits as they currently existed. She also presented an alternative amendment proposed by Jolmy Enterprises, Inc., to increase the number of billboards to 16 and revise the maximum height to 90 feet.

Ms. Turin asked for clarification that with the approval of either proposal, the total amount of billboards would be 16. Ms. Ross responded affirmatively.

Chair Bender asked if anyone wished to speak for or against this item.

Steve Moody and Sylvia Clements, representing Jolmy Enterprises, Inc. (Jolmy), explained their interest in why they proposed that the text be amended from ten to 16 billboards. They provided a history on the annexation agreement which allowed them three billboards and advised that there had been a dispute on how tall they should be. Mr. Moody indicated that the Town Council had hired attorney Michael Burke to draw an amendment to the annexation agreement which provided that two of the Jolmy billboards be a height of 65 feet and one at 90 feet; however, on three occasions, Council had not approved the amendment to the annexation agreement.

A lengthy discussion ensued. Several Agency members indicated that they were disinclined to approve any new billboards; however, they understood Jolmy's dilemma. Agency members believed that it would be necessary to have the annexation agreement reviewed and to know what the standards were regarding the maximum height for Jolmy's three billboards when the agreement was entered into by the Town. Ms. Clements advised that the Town Attorney's Office would not be able to make comments on this issue due to a conflict

of interest. The Agency was reluctant to form an opinion without the advice of legal counsel regarding the annexation agreement.

LOCAL PLANNING AGENCY
JULY 23, 2003

Ms. Turin made a motion, seconded by Vice-Chair Waitkus, to table to August 13, 2002, so that the Agency could have an opinion and advice from counsel who would not have a conflict (there were procedures set forth by the Florida Bar if an attorney had a conflict, on how to “build a wall” so that an attorney “out of conflict” could provide representation). The Agency asked for an opinion and advice from counsel as to the contents of the agreement, restrictions, what it provided for and advice on this issue. The advice should include any applicable restrictions on the billboards pursuant to this agreement, which may include height, size, monopole, two poles, or any restrictions or requirements that would relate. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

3.2 ZB (TXT) 7-1-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)7-1-03, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF DAVIE, AMENDING SECTION 12-34 ENTITLED “STANDARDS ENUMERATED” TO PROVIDE FOR DETAILED USE REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained the intent of the amendment regarding the screening of drive-thru windows for banks and other financial institutions. Following a brief discussion, it was the Agency’s opinion that any and all drive-thru windows should be screened and that had been clarified in the proposed text.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Waitkus made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

3.3 ZB (TXT) 7-2-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)7-2-03, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 12-32, ENTITLED “TABLE OF PERMITTED USES”; AMENDING SECTION 12-34 “ENTITLED “STANDARDS ENUMERATED”; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained the conflict between the “Rural Lifestyle” ordinance regarding wall heights and the recommended height for walls surrounding kennels with exterior runs. She clarified other issues that the proposed text amendment addressed.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. McLaughlin made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

LOCAL PLANNING AGENCY
JULY 23, 2003

3.4 ZB (TXT) 7-3-03

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)7-3-03, AMENDING THE CODE OF ORINANCES FOR THE TOWN OF DAVIE, AMENDING SECTION 12-503 ENTITLED "DEFINITIONS", AMENDING SECTION 12-33 ENTITLED "GENERAL REGULATIONS", PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Ross explained that the intent of this ordinance was to regulate the use of portable storage units (pods) within the Town.

A lengthy discussion ensued with Agency members expressing various concerns regarding the length of time a pod may be placed on property; fees for extensions; language addressing the size of the pods; and refining items (b) and (c) of the proposed. It was the consensus that the verbiage of the proposed ordinance needed modifications before further consideration.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Waitkus made a motion, seconded by Ms. Turin, to table to August 13, 2003. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 10:37 p.m.

Date Approved: _____

Chair/Agency Member